

REMARKS

Applicant thanks the Examiner for withdrawing the drawing, claim and specification objections, and the enablement rejection, of record in the March 7, 2005 *Office Action*.

Status of the Application

Claims 1-4, 6-20 and 22-47 are all the claims pending in the Application, as claims 33-48 are hereby added. Claims 1-4, 6-20 and 22-32 stand rejected.

35 U.S.C. § 101 Rejection

The Examiner has again rejected claims 11 and 12 under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. In this instance, the Examiner alleges that: (1) “[n]on-statutory subject matter includes means for communicating by an electric wave” (O.A., p. 2); and (2) “[m]eans for sending signals via electronic waves are ... not statutory subject matter, since they are means for dealing with non-statutory subject matter” (O.A., p. 9).

Applicant respectfully disagrees. Claims 11 and 12 are not claiming an “electric wave” *per se*. Rather, claims 11 and 12, which are amended herein in a clarifying manner, recite (*inter alia*) a “communicating means for communicating by an electric wave.” Thus, it is the “communicating means” that is claimed, not the specific “electric wave.” The “electric wave” is simply the medium that the “communicating means” communicates by. An illustrative, non-limiting, example of such an “electric wave” is a radio signal.

Further, Applicants respectfully submit that the Examiner’s statement that a “means for dealing with non-statutory subject matter” is also non-statutory is simply incorrect, and unsupported by any citation to any authority or MPEP section.

Thus, withdrawal of the rejection is respectfully requested.

Anticipation and Obviousness Rejections

The Examiner has rejected: (1) claims 1-4, 6, 11-20 and 22 under 35 U.S.C. § 102(a) as being anticipated by *Ueda* (US 5,973,680; hereinafter “*Ueda*”); (2) claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over *Ueda* in view of *Barton et al.* (US 6,233,389); hereinafter “*Barton*”); and (3) claims 23-32 under 35 U.S.C. § 103(a) as being unpatentable over *Ueda* in view of *Swix et al.* (US 6,609,253). These rejections are respectfully traversed.

Independent Claims 1 and 17

Applicant respectfully submits that *Ueda* fails to teach or suggest: (1) “storing each of a plurality of partial information of a plurality of delivery information beforehand;” and (2) that “the partial information of the delivery information, which is transmitted from the information delivery device to the information storage and playback device through the information communicating means and is received and stored in the information storage and playback device, is renewed when necessary,” as recited in independent claims 1 and 17.

Specifically (as discussed in the June 6, 2005 *Amendment*), while *Ueda*’s terminal 101 obtains motion picture codes from server 121 and stores the code in memory 105, there is no teaching or suggestion therein that these codes are ever “renewed.” Rather, *Ueda* only discloses the simple storage and re-use of motion picture codes (after a search of these codes) when the desired video is again selected (col. 9, lines 47-57). Thus, Applicants respectfully submit that these codes can only reasonably be read as being stored once, and are never “renewed.”

In response (see pages 2 and 3 of the instant *Office Action*), the Examiner alleges that such a “renewing” is disclosed in *Ueda* in column 8, lines 62-64. However, this portion of *Ueda* only indicates that:

The terminal 101 sequentially receives the video data in the memory 105 such that the motion picture codes are continually reproduced.

Thus, this portion of *Ueda* only discloses that stored motion picture codes are reproduced for viewing, not that partial information, which a user chooses, is “renewed” in any way. Accordingly, Applicants respectfully submit that neither this portion, nor any other portion of *Ueda*, support the Examiner’s rejection of independent claims 1 and 17.

Independent Claims 2 and 18

Applicant respectfully submits that *Ueda* fails to teach or suggest that: (1) “at least a portion of the plurality of partial information is stored in the means for storing prior to use of the information delivery system by a user,” as recited in independent claim 2; and (2) “at least a portion of the plurality of partial information is stored in the information storage and playback device prior to use of the information delivery system by a user,” as recited in independent claim 18.

Specifically, there is no teaching or suggestion that any particular information is stored anywhere in *Ueda* prior to the use of its system by a user. Rather, as shown in FIG. 9 of *Ueda*, all of the menu screens and data in *Ueda* must first be requested by a user using the *Ueda* system.

Independent Claim 28

Applicant respectfully submits that no combination of *Ueda* and *Swix* teaches or suggests “an information provider, who delivers the image, reflection or voice information to the information user by employing the information delivery device, accounts for use of the image, reflection or voice information by the information user, the accounting including cost information attributable to the information user,” as recited in independent claim 28.

Specifically, there is no mention of tracking of any cost information attributable to the user in either *Ueda* or *Swix*.

Thus, Applicant respectfully submits that independent claims 1, 2, 17, 18 and 28 are patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 3, 4, 6-16, 19, 20, 22-27 and 29-32 are allowable, *at least* by virtue of their dependency, and that the secondary references (*Barton* and *Swix*) fails to teach or suggest the features missing from the independent claims, as discussed above.

Dependent Claims

Additionally, Applicant respectfully submits that rejected dependent claims 3, 4, 6-16, 19, 20, 22-27 and 29-32 are separately patentable over the applied references.

For example, Applicant respectfully submits that *Ueda* fails to teach or suggest claim 6’s recitation that “the partial information of the delivery information, which is transmitted from the information delivery device to the information storage and playback device through the information communicating means and is received and stored in the information storage and

playback device, is renewed when necessary,” for at least the reasons discussed above with respect to independent claims 1 and 17.

Further, Applicant respectfully submits that no combination of *Ueda* or *Barton* teaches or suggests claim 7, 8, 9 and 10’s recitation that “the information storage and playback device, which includes a plurality of storage mediums for storing information, stores the partial information of the delivery information in a primary storage medium, and stores the partial information of the delivery information and remaining information of the delivery information transmitted from the information delivery device in one of the other storage mediums different from the primary storage medium.” Specifically, while different storage mediums are disclosed in *Barton*, *Barton* fails to teach or suggest that different parts of a single file are stored in two different storage mediums.

Further, Applicant respectfully submits that no combination of *Ueda* or *Swix* teaches or suggests claim 23’s recitation of “an information provider, who delivers the image, reflection or voice information to the information user by employing the information delivery device, accounts for use of the image, reflection or voice information by the information user, the accounting including cost information attributable to the information user,” for at least the reasons discussed above with respect to independent claim 28.

Thus, Applicant respectfully requests that the Examiner withdraw this rejection.

New Claims

Claims 33-48 are hereby added. Claims 33-35 and 40-42 are fully supported at least by FIGS. 2 and 3 of the instant Application. Claims 36 and 43 are fully supported at least by FIG. 5

of the instant Application. Claims 37 and 44 are fully supported at least by FIG. 6 of the instant Application. Claims 38 and 45 are fully supported at least by FIG. 7 of the instant Application. Claims 39 and 46 are fully supported at least by FIG. 8 of the instant Application. Claims 47 and 48 are fully supported at least by FIG. 4 of the instant Application. Each of the claims 33-48 are respectfully submitted to be allowable by virtue of the features recited therein.


Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-4, 6-20 and 22-48 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-4, 6-20 and 22-48.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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